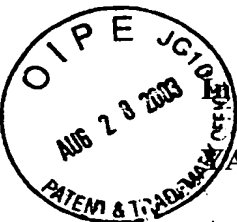


#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Re U.S. Patent Application of

AMAMOTO et al.

Application Number: 09/873,206

Filed: June 5, 2001

For: OPTICAL MEASUREMENT DEVICE

Attorney Docket No. NIPP.0001

Art Unit 3742

Examiner Hoang, Tu Ba

RECEIVED

SEP 02 2003

OFFICE OF PETITIONS

Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED
CLAIM FOR PRIORITY
PURSUANT TO 37 C.F.R. §1.55(a)(1)(ii)**

Sir:

Applicant hereby respectfully requests the Commissioner to (1) accept the above-Unintentionally Delayed Claim for Priority, which is being resubmitted to include the unintentionally delayed claim for priority; and (2) grant the claim of priority for a priority date of December 7, 1998.

The above-referenced application is now pending, with the issue fee and publication fees having been paid on May 19, 2003, together with a Letter to the Draftsperson transmitting corrected drawings incorporating the proposed drawing correction filed January 24, 2003, which had been approved by the Examiner.

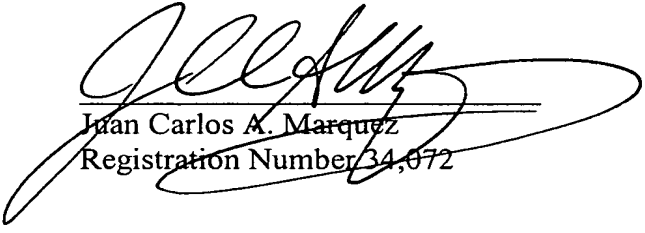
As such, Applicant respectfully requests that the unintentionally delayed claim for priority granting the priority date of December 7, 2003, be granted.

Applicant hereby submits the Petition for Unintentionally Delayed Priority Claim, including (1) the Request for Unintentionally Delayed Priority, (2) the surcharge under 37 C.F.R. § 1.17(t); and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional.

Applicant, having now fulfilled all of the requirements of 37 C.F.R. §1.155(a)(1(ii), respectfully requests that the above-referenced application now including the Unintentionally Delayed Request for Priority be accepted, and that the claim for priority be granted.

Respectfully submitted,

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August 28, 2003